

RFA No.264 of 2001

30.7.2007 **Present:** Ms. Devyani Sharma, Advocate for the appellants.

Mr. Vinay Kuthiala, Advocate, for respondents
No.1 and 2.

Mr. M.S. Chandel, Advocate General with Mr. M.L.
Chauhan, Addl. A.G. for respondent No.4.

CMP No.470 of 2007

Allowed as not opposed. The appellant No.1
M/s.Nathpa Jhakri Power Corporation, Shimla is substituted by
Satluj Jal Vidut Nigam Ltd. The amended memo of parties has
already been filed which is taken on record.

RFA No.264 of 2001 with CMP No.471 of 2007

An application under Order 23 Rules 1,3, read with Section
151 C.P.C. has been filed jointly by the parties. The parties have
filed “agreement of out of Court settlement” dated 26.4.2007 along
with the application. The application is supported by affidavits of
Dhundi Ram one of the claimants as well as S.K. Biswas, Additional
General Manager, Satluj Jal Vidyut Nigam Ltd. The application is
also signed by learned counsel for the parties, who have submitted
that the parties have settled their dispute in terms of “agreement of
out of Court settlement” Annexure A-2 and they have prayed to
dispose of the appeal in terms of Annexure A-2. as well as
application under Order 23 Rules 1 ,3 read with Section 151 CPC
being CMP No.471 of 2007 including para-5 of the application which
is reproduced herein below:-

*“That the Settlement Ann. A 2 has been made on the
basis of the undertaking given by the interest holders in the
shape of affidavits that they and their
successors/assignees/representatives shall not lodge any*

claim of enhancement of compensation in any Forum in future in respect of the land acquired for the NJHEP and that the Settlement Annexure A-2 is full and final as well as binding on all the parties except for the claim of buildings and trees. The claimant submit that he has filed Cross appeal which has been registered as R.F.A. No.349 of 2001 and he does not want to press so far it pertains to the enhancement of market value of land”.

I have gone through the application under Order 23 Rules 1, 3 read with Section 151 C.P.C. which is supported by affidavits of Dhundi Ram and S.K. Biswas. The appeal is dismissed as withdrawn in terms of “agreement of out of Court settlement” Annexure A-2 and CMP No.471 of 2007 under Order 23 Rules 1, 3 read with Section 151 C.P.C including para-5 of the application

CMP No.472 of 2007

For the reasons stated, the application is allowed. There shall be an order in terms of the prayer part of the application with liberty to the parties to approach the Court regarding calculations made in the application. However, it goes without saying that the respondents-assesseees would be at liberty to defend themselves before the Income-tax authorities under the Income-tax Act, 1961. Such defence of course shall be on its merits and in accordance with law.

CMP No.473 of 2007

The parties have compromised the appeal which has been dismissed as withdrawn in terms of “agreement of out of Court settlement” Annexure A-2 along with in terms of CMP No.471 of 2007.

The Court fee be refunded to appellant No.1 in accordance with law.

The application is disposed of.

CMP No.338 of 2007

Infructuous in view of order passed in CMP No.471 of 2007.

RFA No.349 of 2001 be listed for hearing in due course.

(Kuldip Singh)
Judge

July 30, 2007
(sks)

